

REMARKS

The Office Action dated October 17, 2007 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1-16 are pending in this application. By this Amendment, claims 13-16 have been added. The amendments are supported in the specification by at least pages 82 (lines 5-7), and by Fig. 1.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) over Schmitz (US6622804) in view of Heidelberg (US4754207) and further in view of Mongeau (US5917295). The rejection is respectfully traversed.

With regard to independent claims 1 and 2, the applied references, alone or in combination, fail to show, describe, teach, or suggest a vehicle having a motor with electromagnetic power circuits that are sufficiently isolated to substantially eliminate electromagnetic and electrical interference between the circuits, or stator core elements in groups that are structurally and electromagnetically isolated from the stator core elements of another group to substantially eliminate electromagnetic and electrical interference, and the Office has failed to provide an explicit analysis identifying a reason that would have prompted a person of ordinary skill in the relevant field to combine Schmitz with the secondary references.

The Office Action at page 3 acknowledges that the primary reference (Schmitz) fails to show, describe, teach, or suggest some of the features of claim 1: an adaptive electric machine with two or more electromagnetic power circuits that are sufficiently isolated to substantially eliminate electromagnetic and electrical interference between the circuits. The Office Action at page 3 also appears to recognize that the primary reference fails to show, describe, teach, or suggest some of the features of claim 2: groups of stator core elements that are structurally and electromagnetically isolated from each other to substantially eliminate electromagnetic and electrical interference between groups. The Office relies on Heidelberg and Mongeau to remedy these deficiencies of Schmitz.

Heidelberg does not remedy the deficiencies of Schmitz because Heidelberg fails to show, describe, teach, or suggest a stator with stator core elements in one group being electromagnetically separated from the stator core elements in other groups. Heidelberg at Figs. 1 and 3, and at col. 4, lines 45-46, describes a stator 6 with electromagnets 12 joined to form a group 22 of electromagnets. Heidelberg at col. 5, lines 35-42, also describes that bases 32 of

each electromagnet 12 of group 22 meet in a peripheral direction, and that bases 32 "do not meet at the boundary between each group 22 and the adjacent group 22, so that there is a disconnection of the magnetic circuit here" (emphasis added). By limiting the disconnection to "here" (i.e., the peripheral boundary between the outermost bases 32 of group 22), Heidelberg limits the disconnection of the magnetic circuit to only the outermost bases 32 of each group 22 and not to the entire electromagnet group. Heidelberg supports this understanding of "here" at Fig. 3 and at col. 7, lines 2-5, where it explains that the reason for the disconnect is to permit gap 40 (located at the point of disconnection) to interact with sensor 28 and trigger the switching of the electromagnets. This understanding is further supported in Heidelberg at Figs. 1 and 3 and col. 4, lines 32-33, where it describes electromagnetic 12 being attached to a common stator 6 structure, which shows that the Heidelberg design was not intended (or capable) of providing electromagnetic separation. Heidelberg is thus limited to only the "disconnection of the magnetic circuit" at adjacent bases, and does not suggest electromagnetic isolation of one group, or circuit, from another. Also, Heidelberg does not provide any support for, or show any structure that would support, an understanding of "here" that would require the magnetic separation of entire electromagnetic groups from each other, and the Office fails to identify any evidence in support of the interpretation offered at pages 6-7 of the Office Action.

Heidelberg also fails to show or describe groups of stator core elements being structurally separated from the stator core elements in other groups. Heidelberg at Figs. 1 and 3, and at col. 4, lines 32-33, shows electromagnets 12 physically attached to stator 6 to form one continuous structure joining group 34 to adjacent groups (see Fig. 3). Heidelberg does not show or describe the electromagnets 12 being attached to each other to form a structure. Rather, Heidelberg's group 22 structure is formed only when electromagnets 12 are attached to stator 6, which joins all of the groups to each other in a single non-separated structure. See Heidelberg at col. 4, lines 32-33. Heidelberg's group 22 (and group 34) thus do not exist as a structure without attachment to a common stator 6 structure, and therefore are not structurally separated from each other. The Office Action at page 7 asserts that Heidelberg's gap 40 exhibits the structural separation of Heidelberg's groups. However, even if that assertion is accepted as true, the Office Action fails to set forth a *prima facie* case of obviousness because the Office does not establish that the gap 40 provides structural isolation between groups that "substantially eliminate[s] electromagnetic and electrical interference" between circuits and phases, as recited in independent claims 1 and 2.

Mongeau fails to remedy the above-described deficiencies in Schmitz and Heidelberg. Mongeau does not show, describe, teach, or suggest stator core elements in one group being structurally and electromagnetically separated from the stator core elements in each other group.

Also, the Office has not provided the "clear articulation of the reason(s) why the claimed invention would have been obvious" as set forth in recent PTO guidance regarding the standard for obviousness. *See* 72 FR 57526 at 57528. For example, the Office Action does not provide findings of fact concerning the state of the art, or provide the rational underpinning for the asserted combination of references. Accordingly, the Office fails to set forth a *prima facie* rejection under §103(a). Furthermore, the Office Action's assertion at page 4 that the secondary references "are in the same field of endeavor" and "would have been recognized" and combined with Schmitz is not a "clear articulation of a reason" for the combination and is thus insufficient under the recent PTO guidance.

For the foregoing reasons, the applied references, alone or in combination, fail to show, describe, teach, or suggest all of the features recited in the independent claims, as a whole, and the dependent claims thereof, and the Office has failed to provide an explicit analysis identifying a reason that would have prompted a person of ordinary skill in the relevant field to combine Schmitz with the secondary references. It is respectfully requested that the rejection be withdrawn.

New claims 13-16 are allowable over the applied art for at least the same reasons provided above.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this Application and the prompt allowance of the pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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